

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
5:09-cv-152-BO

Lyle D. Gardner,  
Plaintiff,

v.

Group Health Plan,  
d/b/a Wellpath Select, Inc.,  
Defendant.

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**JUDGMENT**

**Decision by Court.** This action came before the Honorable Terrence W. Boyle, United States District Judge, for the consideration of Defendants' Motions to Strike and Motion for Summary Judgment.

**IT IS ORDERED, ADJUDGED AND DECREED** that the Court GRANTS Defendant's Motion to Strike Plaintiff's Affidavit in part. The Court DENIES Defendant's Motion to Strike Dr. Keole's Affidavit. Finally, the Court GRANTS Defendant's Motion for Summary Judgment.

**This Judgment Filed and Entered on April 4, 2011, and Copies To:**

Jeffrey R. Worley (via CM/ECF electronic notification)

Mark R. Sigmon (via CM/ECF electronic notification)

April 4, 2011

/s/ Dennis P. Iavarone,  
Clerk of Court